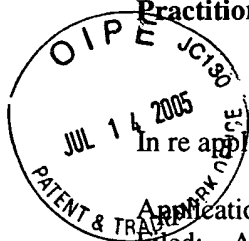


ITW

Practitioner's Docket No. 1348/111

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Percival

Application No.: 10/709,040

Group No.: 2188

Filed: April 8, 2004

Examiner: Namazi, M.

For: A Method and System for Coherently Caching I/O Devices Across a Network

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using *Express Mail*, the *Express Mail* label number is *mandatory*;  
*Express Mail* certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA

37 C.F.R. § 1.8(a)

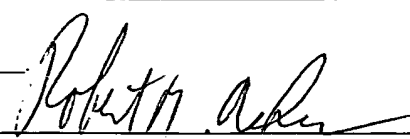
☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: July 12, 2005

Robert M. Asher  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

whichever occurs first.

### **FEE**

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

### **FEE PAYMENT**

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00

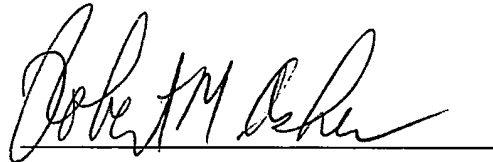
### **METHOD OF PAYMENT OF FEE**

4. Attached is a check in the amount of \$180.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

DATE: July 12, 2005



Robert M. Asher  
BROMBERG & SUNSTEIN LLP  
Customer Number 02101  
125 Summer Street  
Boston, MA 02110-1618  
US

01348/00111 417437.1

Practitioner's Docket No. 1348/111

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application  
of \_\_\_\_\_

for \_\_\_\_\_

Inventor(s)

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Percival

Application No.: 10/709,040

Group No.: 2188

Filed: April 8, 2004

Examiner: Namazi, M.

For: A Method and System for Coherently Caching I/O Devices Across a Network

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

(Supplemental Information Disclosure Statement--page 1 of 9)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

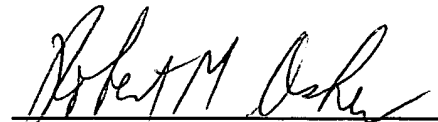
[x] with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.



Signature

Robert M. Asher

(type or print name of person certifying)

Date: July 12, 2005

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

07/15/2005 CCHAU1 00000005 10709040

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180.00 0P

**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

**NOTE:** The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

**WARNING:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

### **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ JEPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

**NOTE :** "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Percival Attorney Docket: 1348/111  
Serial No: 10/709,040 Art Group Unit: 2188  
Date Filed: April 8, 2004 Examiner Name: Namazi, M.  
Invention: A Method and System for Coherently Caching I/O Devices Across a Network

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	EW	US 5,369,757	Nov. 29, 1994	Spiro et al.	395/575

OTHER DOCUMENTS			
Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	EX	Franklin et al.	"Global Memory Management in Client-Server DBMS Architectures", Proceedings of the 18 <sup>th</sup> VLDB Conference, pp. 596-609, August 1992.
	EY	Kahhaleh, B.	"Analysis of Memory Latency Factors and their Impact on KSRI MPP Performance", Department of Electrical Engineering and Computer Science, University of Michigan, pp. 1-17, April 1993.
	EZ	Carter et al.	"Implementation and Performance of Munin", Computer Science Laboratory, Rice University, pp. 152-164, 1991
	FA	Bennett et al.	"Munin: Shared Memory for Distributed Memory Multiprocessors", Computer Science Technical Report, Rice University, pp. 1-22, April 1989.
	FB	Snaman Jr., et al.	"The VAX/VMS Distributed Lock Manager", Digital Technical Journal, No. 5, pp. 29-44, September 1987.
	FC	Snaman Jr., W.	"Application Design in a VAXcluster System", Digital Technical Journal, Vol. 3, pp. 1-10, 1991.
	FD	Davis, S.	"Design of VMS Volume Shadowing Phase II-Host-based Shadowing", Digital Technical Journal, Vol. 3, No. 3, pp. 7-15, 1991.

	FE	Kronenberg et al.	" <i>The VAXcluster Concept: An Overview of a Distributed System</i> ", Digital Technical Journal, No. 5, pp. 7-21.
	FF		" <i>Distributed Shared Memory: A Survey of Issues and Algorithms</i> ", Computer, pp. 52-60, August 1991.
	FG	Li et al.	" <i>Memory Coherence in Shared Virtual Memory Systems</i> ", ACM Transactions on Computer Systems, Vol. 7, No. 4, pp. 321-359, November 1989.
	FH	Armstrong et al.	" <i>Oracle7 (TM) Server Administrator's Guide</i> ", Oracle Corporation, August 1993.
	FI	Armstrong et al.	" <i>Oracle7 (TM) Server Concepts Manual</i> " Oracle Corporation, August 1993.
	FJ	Dimmick, S.	" <i>Oracle Database Administrator's Guide Version 6</i> ", Oracle Corporation, November 1988.
	FK	Bobrowski et al.	" <i>Oracle7 (TM) Server Administrator's Guide</i> ", Oracle Corporation, December 1992.
	FL	Bobrowski et al.	" <i>Oracle7 (TM) Server Concepts Manual</i> ", Oracle Corporation, December 1992.
	FM	Mohan et al.	" <i>Algorithms for Flexible Space Management in Transaction Systems Supporting Fine-Granularity Locking</i> ", Advances in Database Technology-EDBT '94, 4 <sup>th</sup> International Conference on Extending Database Technology, pp. 131-144, March 1994
	FN	Mohan et al.	" <i>Efficient Locking and Caching of Data in the Multisystem Shared Disks Transaction Environment</i> ", Advances in Database Technology-EDBT '92 3 <sup>rd</sup> International Conference on Extending Database Technology, pp. 453-468, March 1992.
	FO		" <i>Abstracts of Some of C. Mohan's Papers and Patents</i> ", IBM Almaden Research, pp. 1-38.
	FP		Plaintiff SuperSpeed Software, Inc.'s Complaint, 4/14/04, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FQ		Defendant Oracle Corporation's Answer, 6/11/04, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.

	FR		Defendant Oracle Corporation's Original (Corrected) Answer, 6/17/04, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FS		SuperSpeed Software, Inc.'s Answers to Oracle Corporation's First Set of Interrogatories, 10/06/04, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FT		SuperSpeed's Motion for Leave to File First Amended Complaint, 2/01/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FU		Oracle Corporation's Objections and Responses to SuperSpeed Software, Inc.'s First Set of Interrogatories, 2/14/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FV		Oracle Corporation's Amended Answer, 3/21/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FW		Oracle Corporation's Preliminary Invalidity Contentions, 3/25/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FX		SuperSpeed Software, Inc.'s Supplemental Answer to Oracle Corporation's First Set of Interrogatories, 4/15/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.



	FY		SuperSpeed Software, Inc.'s Second Supplemental Answers to Oracle Corporation's First Set of Interrogatories, 5/20/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.
	FZ		SuperSpeed Software, Inc.'s Opening Brief Regarding Claim Construction, 6/03/05, in <i>SuperSpeed Software, Inc., v. Oracle Corporation</i> , U.S. District Court for the District of Southern District of Texas Corpus Christi Division, C-04-214.

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

#### **Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

**NOTE:** *"A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. section 1.98(d).*

**WARNING:** *"This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).*

**WARNING:** *"Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. section 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

**WARNING:** *While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in section 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in section 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.*

This application relies, under 35 U.S.C. section 120, on the earlier filing date of prior application SN.: 10/683,853, filed on October 10, 2003.

*(complete the following, if applicable)*

The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

**EW-FZ**

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this certification is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

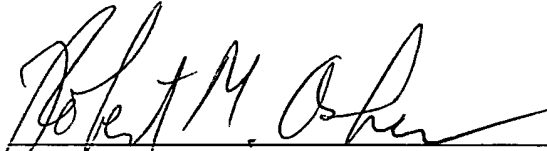
- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.



\_\_\_\_\_  
**SIGNATURE OF PRACTITIONER**

Reg. No.: 30,445

Tel. No.: (617) 443-9292

Customer No.: 002101

01348/00111 396348.1

Robert M. Asher

*(type or print name of practitioner)*

Bromberg & Sunstein LLP  
125 Summer Street, 11<sup>th</sup> Floor

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P.O. Address

Boston, MA 02110  
\_\_\_\_\_